

MEMORANDUM

To: Larry Friedberg, Manager
State Buildings & Real Estate Programs

From: Joi E. Simpson, Personal Services Contracts

Date: June 2, 2003

Subject: Personal Service Program Waiver for Design and Construction Services

The Personal Services Program Waiver for design and construction contracts for various departments/institutions (see attached list) is approved. Successive waiver of review of individual agreements for **Capital Construction & Controlled Maintenance** services including “as-needed” architect/engineer/consultant services, and all associated contract modifications, e.g., change orders, formal amendments and supplementals, is hereby granted through **May 31, 2006**. The approval basis is CRS 24-50-504 (2)(c&h).

Please share this information with all affected administrators along with a reminder of the conditions and requirements of this waiver. A copy of this memo must accompany all contracts and contract modifications that meet parameters established within this waiver.

Waiver Conditions:

- 1) All funds appropriated from the State Capital Construction fund shall be used for their intended purpose. State agencies shall not use Capital Construction funds to pay or reimburse state employees for construction management, administrative activities, direct labor performed, or any other expense outside the scope of the Capital Construction or Controlled Maintenance Project.

- 2) Each agency/institution is required to use State Buildings and Real Estate Programs' (SBREP) standard forms and is not allowed to modify these types of contracts without the approval of State Buildings.
- 3) For "as needed" architect/engineer consulting services, all participating agencies shall follow the SBREP "Policies and Procedures" and copy SBREP on all work authorizations.
- 4) Personal services agreements that directly impact the state's personnel system must be forwarded to the Personal Services Contracts Review Program (DPA) for review and approval. If an agency is not sure of the impact on the state's workforce, a *Certification for Personal Services Agreements* form must be completed along with a scope of work, and forwarded to this office for review.

IMPORTANT AGENCY INSTRUCTIONS (please read carefully):

This waiver of successive approval is limited to the above listed services, number of vendors and dollar amounts associated with each category, as well as other waiver conditions. If this waiver does not cover a particular service(s), the agency will need to submit individual agreements along with the Certification for Personal Services Agreements form to this program for review and approval. In addition, this waiver is valid for these agreements, as long as, the acquisition of these services does not cause the separation of state classified staff.

As necessary, please attach a copy of this document to each of the above listed agreements if routed to other external approvers (Division of Purchasing/State Buildings, Attorney General's Office, State Controller's Office). Your duty pursuant to CRS Section 24-50-510 to list these personal services agreements in your Annual Report is not suspended by the granting of this waiver. In addition, all personal services agreements must contain the mandatory independent contractor clause listed in the Director's Procedures (P10-1-11).

In addition, all commitment vouchers issued under this waiver must comply with State Fiscal Rules, State Procurement Rules and the Capital Construction Accounting Guidelines. Furthermore, all statutes governing Capital Construction and all policies issued by the State Controller's Office and State Division of Purchasing concerning the use of purchase orders and contracts must be followed. Fiscal Rules that specifically apply to the use of purchase orders and contracts are rules 2-2, 2-10, 3-1 and 4-1.